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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note verbale dated 20 April 1998 from the Permanent Mission of Boznia and Herzegovina to the United Nations Office at Geneva addressed to the Commission on Human Rights

The Permanent Mission of Bosnia and Herzegovina to the United Nations Office at Geneva and other international organizations presents its compliments to the United Nations Commission on Human Rights and has the honour to forward to the Commission, on behalf of the Permanent Missions of Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia and the Republic of Slovenia, their joint letter* regarding the report (E/CN.4/1998/15 of 31 October 1997) of the Special Rapporteur on the situation on human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), and kindly asks the Commission to circulate the attached letter as an official document at the fifty-fourth session of the Commission, under agenda item 10.

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* The annex is circulated as received in the language of submission only.

ANNEX

The Governments of Bosnia and Herzegovina, Republic of Croatia, Republic of Macedonia and Republic of Slovenia would like to refer to the Report of Special Rapporteur on the situation on human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), doc E/CN.4/1998/15 of 31 October 1997 submitted to the 54th session of the Commission on Human Rights, in which the FRY (Serbia and Montenegro) is considered as "a party to all main human rights instruments".

The above-mentioned view is contrary to the resolutions of UN GA (47/1/1992, 47/229/1993) and the resolutions of the Security Council (757, 777/1992, 821/1993), as well as the opinions of the Arbitration Commission of the United Nations / European Union International Conference on the former Yugoslavia, which declared that the Former SFRY has ceased to exist and that the FRY (Serbia and Montenegro), as a new state, can not continue automatically the membership of the former state in the UN and it should therefore apply for its membership. All states that have emerged from the dissolved predecessor state have equal succeeding rights and legal status. The same principle applies to the legal status regarding international instruments to which SFRY was a state party. Consequently FRY should notify its succession to all relevant international instruments including human rights instruments as was done by other successor states.

All succeeding states are nevertheless obliged to protect and respect human rights of their citizens at the level that has been achieved at the time of dissolution of the former state, having in mind principles of international customary law and universality of human rights.

The Governments of B&H, Croatia, Macedonia, and Slovenia would therefore like to propose to the UN Office of High Commissioner for Human Rights to take measures it deams appropriate to insure that the reports of Special Rapporteur are in compliance with factual and legal situation regarding the question of the succession of the former SFRY.

Furthermore we are of the opinion that the view of the Special Rapporteur expressed in the Report is without prejudice to the fact that the former SFRY has ceased to exist and that the FRY (Serbia and Montenegro) cannot be considered as a single and automatic successor of the former SFRY.

Permanent Mission of Bosnia and Herzegovina
Mr. Sefik Fadzan, Charge d' Affairs _____

Permanent Mission of the Republic of Croatia
Mr. Darko Bekic, Ambassador _____

Permanent Mission of the Republic of Macedonia
Mr. Goce Petreski, Ambassador _____

Permanent Mission of the Republic of Slovenia
Mr. Gregor Zore, Ambassador _____